

## **605 KAR 1:031. Automotive mobility dealer requirements and licensing.**

RELATES TO: KRS Chapter 186A, 190.010 (13), (26), (27), (28), 190.031

STATUTORY AUTHORITY: KRS 190.031, 190.073

NECESSITY, FUNCTION AND CONFORMITY: KRS 190.031 requires the Motor Vehicle Commission to establish requirements for initial application for and renewal of a license to be an automotive mobility dealer and directs the commission to establish relevant requirements which must include provisions for automotive mobility dealers to meet reasonable and appropriate quality assurance standards. This administrative regulation sets forth those requirements and standards.

Section 1. (1) In addition to the application requirements, which shall include compliance with the following:

(a) KRS 189.010 to 189.221 regarding the equipment and function of vehicles operated in Kentucky;

(b) 49 C.F.R. 567 regarding modification and alteration of vehicles;

(c) 49 C.F.R. 571, Federal Motor Vehicle Safety Standards; and

(d) 49 C.F.R. 595 regarding make inoperative exemptions contained in 605 KAR 1:030, an automotive mobility dealer applicant shall certify that its operations will meet reasonable and appropriate quality assurance requirements.

(2) An automotive mobility dealer applicant that actually modifies vehicles to create adapted vehicles, installs mobility equipment or services or repairs adapted vehicles or mobility equipment, shall certify:

(a) That all mobility equipment and materials utilized in the modification, installation, servicing or repair comply with applicable federal and state guidelines, as set forth in subsection (1) of this section and;

(b) That the relevant personnel of the automotive mobility dealer have been trained and certified if applicable by the equipment manufacturers or other competent authority with regard to the modification, installation, repair or servicing.

(3) An automotive mobility dealer that intends to sell newly modified adapted vehicles, modified or altered by third parties, shall identify the vehicle modifier or installer who will provide the modification services and shall certify that the vehicle modifier or installer will comply with applicable federal and state guidelines, as set forth in subsection (1) of this section.

(4) An automotive mobility dealer that cannot provide the applicable certification under this section shall provide a statement under oath as to the unavailability of the certification and the reasons therefore.

Section 2. An automobile mobility dealer shall notify the commission within twenty-one (21) days of any change regarding the source of newly adapted vehicles sold by the dealership.

Section 3. An applicant for an automotive mobility dealer license shall demonstrate at least \$100,000 in net assets. If an applicant cannot demonstrate \$100,000 in net assets, the commission,, may accept a surety bond in the amount of any difference, as set forth in KRS 190.020(9).

Section 4. An applicant for an automotive mobility dealer license shall demonstrate that it holds a policy for \$1,000,000 in liability insurance. An automobile mobility dealer shall immediately notify the commission if its liability insurance is cancelled or not renewed.

Section 5. An automotive mobility dealer, other than an automotive mobility dealer that is also a new motor vehicle dealer, shall not offer, claim or indicate that it is selling new motor vehicles, and shall not purport to sell or transfer a new motor vehicle on a certificate of origin. An automotive mobility dealer that is also a licensed new motor vehicle dealer shall offer and sell adapted vehicles as new motor vehicles if they are of the make authorized to be sold by the new vehicle dealer license and otherwise meet the definition of a new motor vehicle, as established in KRS 190.010(13).

Section 6. Except as provided by KRS Chapter 186A, an automotive mobility dealer shall title all untitled vehicles into the dealership name prior to any sale to a customer.

Section 7. An automotive mobility dealer shall not engage in the sale of an adapted vehicle that does not have proof that it has been adapted or modified in compliance with 49 C.F.R. Part 595.

Section 8. An automotive mobility dealer that is not also licensed as either a new motor vehicle dealer or a used motor vehicle dealer shall not engage in the sale of any vehicles other than adapted vehicles. (34 Ky.R. 684; 1003; 1417; eff. 1-4-2008; Crt eff. 3-5-2019.)